



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on April 15, 1998

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1592

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **Delta Air Lines, Inc.**, filed **1/30/98** to:

XX Renew allocation of seven U.S.-Poland combination frequencies to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between a point or points in the United States, and Warsaw, Poland, via Vienna, Austria. Delta intends to operate this service pursuant to a code-share arrangement with Austrian Airlines.

Applicant rep: **Robert E. Cohn (202) 663-8060** DOT Analyst: **Sylvia Moore (202) 366-6519**

DISPOSITION

XX **Granted** (subject to conditions, see below)

The above action was effective when taken: **April 15, 1998**, and will remain in effect, provided that Delta continues to hold the necessary underlying authority to serve the U.S.-Warsaw market.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

XX **The authority granted is consistent with the aviation agreements between the United States and Poland, and between the United States and Austria.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

XX **Holder's certificate of public convenience and necessity**

Special Conditions/Remarks: Consistent with our standard practice, the frequency allocation granted is subject to the condition that it will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days.

The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 of the Department's regulations and any amendments to the Department's regulations concerning code-share arrangements that may be adopted and are expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere, that the carrier selling such transportation (*i.e.*, the carrier on the ticket) accept all obligations established in its contract of carriage with the passenger, and that the operator shall not permit the code of its U.S. carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.

The authority for which Delta requested renewal expired March 31, 1998, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Delta's timely filed renewal application.

(See Reverse Side)

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.